

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2460 OF 2023

Ankush Hanumanta Pujari ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Arkam Shaikh i/b. Milan Desai, for the Applicant
Mr. M.G. Patil, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : SEPTEMBER 13, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This application is preferred seeking pre-arrest bail in connection with C.R. No.546 of 2023 registered at Dindoshi police station for the offences punishable under sections 323, 324, 326, 504 and 506 read with 34 of Indian penal Code, 1860.

3. Mr. Arif Hanif Khan lodged report with the allegation that on 5th August, 2023 one Sattu Singh, the co-accused had raked up a quarrel with first informant's brother Asif Khan. At about 9.30 pm the applicant and other 3 associates charged upon him and his brother Asif. The applicant allegedly assaulted the first informant

by means of an iron rod. Asif was assaulted by means of knife. After abusing and assaulting the first informant and his brother the assailants fled away.

4. The learned counsel for the applicant submitted that in respect of the very same occurrence the first informant had lodged report being FIR No. 547 of 2023 for the offences punishable under sections 326, 323, 506 and 504 read with 34 of the Code. In fact, the applicant had sustained injuries and informant party was aggressor.

5. I have perused the injury certificate. The injured Asif Khan seems to have sustained a CLW on parietal area. Prima facie, the injuries do not appear to be grievous. It further appears that it was a case of free fight and members of both groups have sustained injuries in one and the same occurrence in respect of which two versions have been reported. In view of above, I am inclined to exercise the discretion in favour of the applicant.

6. In the event of arrest in C.R. No.546 of 2023 registered at Dindoshi police station, the applicant Ankush Hanumanta Pujari be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/-

with one or two sureties in the like amount.

7. The applicant shall cooperate with the investigation and attend Dindoshi police station, on every alternate Sunday in between 10 am to 12 noon for one month.

8. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or the persons acquainted with the facts of the case.

9. The applicant shall regularly attend the proceedings before the jurisdictional Court.

10. Application stands disposed.

11. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

(N. J. JAMADAR, J.)